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# California State Senate

SENATOR  
BILL MORROW

THIRTY-EIGHTH SENATORIAL DISTRICT



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September 6, 2005

The Honorable Arnold Schwarzenegger  
Governor, State of California  
State Capitol  
Sacramento, California 95814

Dear Governor Schwarzenegger:

I write to urge your veto of Assembly Bill 849 (Leno), which passed the Legislature today. AB 849 would legalize same-sex marriage in California – in direct opposition to the people's will as formally stated by their statewide vote on Proposition 22.

Consisting of just 14 words, Proposition 22 clearly stated: *"Only marriage between a man and a woman is valid or recognized in California."*

It is unfortunate that much of this debate is characterized by overheated political rhetoric and charges of bigotry. There are profoundly important, common-sense reasons why every successful major civilization in history banned same-sex marriage – and why California should continue doing the same.

First, protecting the institution of traditional marriage is not an equal rights issue. Homosexuals already have the ability to live with one another, arrange hospital visitation rights and powers of attorney, and most importantly all homosexuals already have the same and equal right to state sanctioned marriage. It's just that the marriage simply must be with one man and one woman.

Bans against same-sex marriage do not constitute unequal applications of a given right. Californians of different sexual orientations are treated the same. Currently, *anyone* may get married, regardless of sexual preference. The inability to engage in

same-sex marriage applies to everybody, regardless of sexual orientation. You may marry someone only of the opposite sex.

When homosexuals insist that society be forced to redefine marriage to sanction same-sex unions, they attempt to establish a *new and special right*, not correct a misapplication of an existing right.

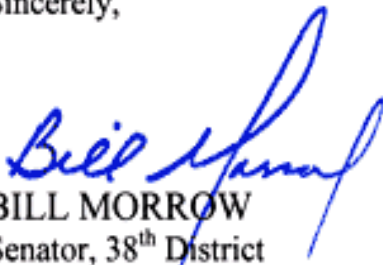
Second, some AB 849 advocates frame the debate as a civil rights issue. However, the debate should not be compared to the civil rights struggle of the last century, because during that time African-Americans were – through Jim Crow laws – denied equal application of existing rights, such as voting. But those heinous laws discriminated against people merely for being members of a racial group – and not on the basis of particular behaviors or mental orientations. African-Americans were denied equal access to existing rights because of what they are. On the other hand, society's traditional ban on same-sex marriage is a limitation on behavior, not on a person's existence or thoughts.

Third, some argue that a new right should be created because any persons who love one other should be permitted to marry. However, marriage law has never been based on emotional motives for marriage, such as love. Existing statutory and case law simply provide that marriage must be with a member the opposite sex. Providing marriage to any persons merely on the basis of their professed love for each other is dangerous. If this were the case, then why not allow three people, all whom love one other, to marry. Or permit a brother and sister to marry?

Fourth, the expressed will of the people firmly supports traditional marriage. When given the option, Americans – whether from a “Red State” or a “Blue State” – have *always* voted to protect marriage. Just as California voters overwhelmingly did with Proposition 22 (The Protection of Marriage Initiative). In March 2000, Proposition 22 earned 61.4 percent (4,618,673 people) of the vote, passing in 52 of California's 58 counties.

I respectfully urge your veto of AB 849. Thank you for providing strong leadership for California in these trying times.

Sincerely,

  
BILL MORROW  
Senator, 38<sup>th</sup> District